(new objections)

In claim 1, line 7, page 2 the phrase "phenyl" and in claims 24, 25, is unclear because it is redundant when Cy is equal to formula 2 and R1-R5 are hydrogen.

In claim 30, lines 9-10, the phrase "optionally substituted heterocyclic ring" is unclear and it's redundant becausewhen R14 and R15 form an optionally substituted 3-7 cyclic amine, they are already forming an optionally substituted heterocyclic ring.

(new rejections)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim(s) s, 1,2, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotake et. al. (See Reference N). Kotake et. al., discloses for example, the instant compounds, 107, 108, and 109. At page 38, see the instant compounds.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable Kotake. (See Reference A, English language equivalent to Reference N).

Kotake et. al. teaches the instant compound as shown in Formula I wherein A is an amino acid residue provided that A binds with –NR2- to form an amide; R1 is an optionally substituted straight chained or branched alkyl group having 2-7 carbon atoms, R2 is an optionally substituted straight chained or branched alkyl group having 1-3 carbon atoms; R3 is –CO-R7, an optionally substituted straight chained or branced alkyl group having 1-4 carbon atoms, R4 is a strainge4d chained or branced alkyl group having 1-6 carbon atoms, a straight chained or branched alkenyl group having 2-6 carbon atoms, a straight-chained or branched alkynyl group having 2-6 carbon atoms, or the formula 2 C(R16)R15R(R17), R7 is a –N(R12)R13 or –OR14, R12 and R13 which may be the same or different each represent a hydrogen atom, R14 is a hydrogen atom, a straight-chained or branched alkyl group having 1-6 carbon atoms, or a cycloakyl group having 3-7 carbon atoms; R15 is a hydrogen atom or methyl group; R16 and R17 are taken together and represent a cycloalkyl or cycloalkenyl group having 3-7 carbon atoms. At columns 90-91, see the compound of formula I. The difference between the prior art compound and the instantly claimed compounds is the teaching of a subgenus of compounds versus a genus of compounds. It would have been obvious to one of ordinary skill in the art to select various known radicals within a genus to prepare structurally similar compounds. For instance, see the compound, 108 at column 36, where a disclosed species is exemplified. Accordingly, the compounds are

deemed unpatentable therefrom in the absence of a showing of unexpected results for the claimed compounds over those of the generic prior art compounds.